

### **REMARKS**

The Office Action mailed November 24, 2009 ("*Office Action*") considered claims 1-19, rejecting each of the same under 35 U.S.C. § 112 over various informalities that rendered the claims indefinite. The *Office Action* also indicated that the claims would otherwise be allowable if amended to address the informalities in view of a lack of relevant teaching in the prior art.

With this paper, Applicant herewith amends claims 1-3 and 8. With respect to claim 1, Applicant amends the language regarding bacteria to reflect the specific strains listed in the specification. In addition, Applicant herewith moves the limitation regarding operating temperature to express this limitation in conjunctive rather than alternative form with the remaining limitations. Furthermore, Applicant herewith amends claims 1-3, and 8 to alter or otherwise remove language such as preferably, or "and/or" or to clarify which bacterium are being included in the given claim.

Applicant respectfully submits, therefore, that the informalities of record have been addressed, and thus that the instant application is in condition for prompt allowance.

Finally, inasmuch as the present amendments are primarily formalistic in nature, and do not add any new claim matter not already yet considered by the Examiner, Applicant respectfully submits that no request for continued examination should be required to enter this amendment.

The Commissioner is nevertheless hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has

not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 23rd day of February, 2010

Respectfully submitted,

/Michael J. Frodsham /

Michael J. Frodsham  
Registration No. 48,699  
Attorneys for Applicant  
Customer No. 022913